

Minutes of the Initial Organizing Meeting of the UTAH MINE SAFETY COMMISSION

The Initial Organizing Meeting of the Utah Mine Safety Commission was held at the Western Energy Training Center, 847 North HWY 191, Price, Utah September 10, 2007 at 10:00 a.m.

The following Commission Members were in attendance: Scott M. Matheson, Jr., Former Senator Jake Garn, Senator Mike Dmitrich, David Litvin, Mayor Hillary Gordon, Representative Kay McIff, Dennis O'Dell, Mayor Joe Piccolo, and John R. Baza, Executive Secretary to the Commission.

Also attending were: Val Payne and Mike Mower, Representatives of the Governor's Office, Jim Springer, Public Relations Officer for the Department of Natural Resources, and Julie Carter, Secretary to the Commission and Executive Director; and Steve Alder, Attorney for the Commission and Executive Director.

1. Greeting and Introductions.

Scott Matheson, Jr., Chairman, welcomed everyone to the meeting and thanked the Western Energy Training Center for its hospitality. Chairman Matheson in his welcoming remarks stated that the Commission's job is to study the role of the State of Utah in mine safety, accident prevention, and accident response. He said that the Commission wants to understand what the State's role and responsibilities have been in the past, what it currently does, and to suggest what the State of Utah can do to improve in the future. The Chairman emphasized that the Commission has not been asked to investigate the specific causes of the Crandall Canyon Mine disaster or to find fault, since the MSHA investigation, Congressional investigation, and other reviews will focus on those questions. The Commission will need to know information about the Crandall Canyon Mine disaster as part of its work. The Chairman stressed that the Commission's mission is to recommend measures that the State should take in accident prevention and accident response.

The Chairman invited Commission members to introduce themselves, and the members of the Commission made introductions with brief statements regarding their background and expectations for the Commission's work.

2. Introduction of the Public Comment Process.

The Chairman stated that the purpose of this meeting is to hear from various public officials concerning the background of mine safety regulation in Utah, the role of State and local government in emergency response, and information about the MSHA investigation of the Crandall Canyon Mine disaster. This meeting will also serve as an organizational meeting. He stated that today's meeting will not be a hearing.

Chairman Matheson said that the Governor asked that public hearings be held in Huntington, Utah and in Price, Utah to allow all interested persons to present their comments and suggestions to this Commission. The Chairman emphasized that it is important for the Commission to receive public comment from anyone and everyone who has information that could assist in the work of this Commission. The Chairman said a website will be established to encourage public comment in both written and email form.

The Chairman announced that the Commission will organize a technical advisory group to assist in the work. The technical advisory group will represent a wide range of expertise and experience, from mining engineers, to people who have had experience in inspection and training, to people who have worked for years in the mines. The Chairman encouraged nominations, self-nominations, and any suggestions that the Commissioners or anyone else may have that might benefit the work of the Commission. The Chairman asked that recommendations be made soon.

3. Background and History of Mine Safety Regulation in the State of Utah.

Mr. Alan Hennebold, Deputy Commissioner & General Counsel, Labor Commission, presented the Commission with a brief overview of the history of mine safety regulation in Utah and a summary of the mine safety programs for the coal producing states. Mr. Hennebold noted that the Labor Commission understands this is a forward looking Commission trying to determine what will best protect the safety of miners in Utah and he is very happy to be a part of that effort. He reported that members of the Labor Commission have friends, family, and relatives that work in the mines so this is important on a personal level, and that he also understand the vast significance on the public policy level of the work that the Commission is doing. He stated that it was his purpose is to provide a historical perspective, kind of the back-story that can inform the Commission as it moves forward. The substance of Mr. Hennebold's presentation is summarized in the handout, "Overview: Regulation of Coal Mine Safety in Utah," by Sherrie Hayashi, Commissioner, Utah Labor Commission.

In his oral remarks Mr. Hennebold covered the history of Utah coal mining, the history of the Utah State regulation of coal mining safety, the advent of federal regulation, and the effect of the federal Mine Health and Safety Act on Utah's mine safety laws, and the eventual withdrawal of the State from the regulation of mine safety. Mr. Hennebold also presented a summary of current mine safety programs in other states. Chairman Matheson asked about the coal miner certification program and relationship between the Labor Commission and MSHA. Mr. Hennebold introduced Mr. Pete Hackford to answer the question.

Mr. Hackford reported as follows: Last year the State administered 371 miner certification exams. These exams consist of five tests: 1) fireboss, 2) underground foreman, 3) surface foreman, 4) underground electrician, 5) and surface electrician. These are mandated occupations that need to be tested for through MSHA CFR 30. The CFR allows the states to go in and do these examinations and they will acknowledge them, so MSHA does not administer these tests themselves. The State of Utah Title 40, chapter 2 of the statute allows us to have a minimum of eight panel members from a various occupations throughout the coal mining industry and we rely on them heavily. We give this exam quarterly. We give the exams the first part of quarter and then we allow a 1st retest and 2nd retest. The law requires that before a miner goes underground that they go through a training course of 40 hours. The Labor Commission does not administer this training. After the training is completed miners can go underground, and this is where the State's examination comes in. Once the miner has passed successfully the miner is give certification and in turn the certification is transferred to MSHA and the mines.

Mr. Hackford further reported that there has been a large increase in testing over the last year. The exam on Friday at CEU tested 40 people, but at the testing session before that 140 people were tested. Younger miners are coming in, and they really need this training. CEU gets grant money from MSHA to administer the test. The State deals directly with MSHA and sends its exams to Denver for review. The tests are put together by the Labor Commission panel and MSHA reviews the tests and makes recommendations. Mr. Hackford stated that his staff had put a lot of resources and time into

building up this program. They feel you can have the safest mine in the world but if the miners are not educated and trained you don't have a safe mine.

Mr. Dennis O'Dell asked if the Utah Mine Safety Commission could be provided with data on what other states are spending for inspection programs. Mr. Hennebold said he will get the information.

Mr. O'Dell asked if state inspection programs inspect for safety or training? The Labor Commission has not qualitatively compiled that information. He also asked for a common measure of safety between states with inspection programs and states without inspection programs. Mr. O'Dell said a comparison of the accident rates may do, but that they should exercise caution when comparing accident information, since some of that information is missing. He said that in larger operations you'll see higher accident and injury reporting, but for small mines safety reports tend to be lax.

A discussion followed about whether or not the certification tests were specific to conditions found only in Utah. The tests are not specific to Utah and this may be an area the Commission should look at. One thing unique to Utah is the amount of gases found in the mines. Miners certified in other states still have to take Utah certification tests, notably the tests for fire boss and mine foreman to ensure that they know all of the gases that could be encountered in the mine. Even though our laws are not different – all of our laws are federal laws – some of our tests are different because of the gases.

4. The Role and Responsibilities of MSHA in the State of Utah

Mr. Bill Denning, MSHA, reported to the Commission on the role and responsibilities of the federal Mine Safety and Health Administration. See handout, "The Role & Responsibility of MSHA in the State of Utah." Mr. Denning, reported as follows:

There are 13 underground mines in Utah that produced 26 million tons of coal last year, using 2,058 employees. The 26 million tons is about 2.5 % of the nation's coal. There are two surface mines in Utah, and seven surface facilities. Surface facilities are usually loadout facilities. All the coal mining comes from three different counties, Carbon, Emery, and Sevier Counties. MSHA has a field office in Price, Utah, with nine inspectors. It has four specialist positions; a diesel equipment specialist; a health specialist; a roof control specialist; and an electrical specialist. The office has five inspectors and specialist trainees who are going through training now. It will be a year before they become authorized representatives and are able to conduct inspections. In addition, the office has two educational and training specialists, one in Price and one in Salt Lake City. There are also metal/non metal inspectors based out of Salt Lake City.

MSHA has a triangular type role and responsibility. There is the enforcement part of the triangle, engineering, and then the education and training parts of the triangle. These are the three main functions of MSHA. For enforcement, there are two main divisions: the coal mine safety and health division, and the metal/non metal division. Metal/ non-metal inspects all of the mines besides coal. In coal mine safety and health there are eleven districts throughout the country. District nine covers states west of the Mississippi, 16 states in all that produce coal. Utah is in the Rocky Mountain District headquartered in Denver, Colorado. One half of the nation's coal comes from district nine.

The engineering group is called the technical support division. They provide scientific and engineering solutions to mitigate hazards in the mine. Technical support is broken down into two main groups, an engineering group in Pittsburgh, PA, and the approval and certification group in Philadelphia,

WV. The approval and certification group approves the use of permissible equipment in underground mines.

The third main group is the educational policy and development division. That group has two main divisions; education field service specialists; and the mine safety and health academy in Beckley, WV. That academy trains inspectors and the mining industry.

MSHA enforces and administers the Federal Mine Safety and Health Act of 1977. This act has a major amendment last year by the Miner Act passed last year by Congress. All of our roles and responsibilities are contained in this Act. We also enforce the safety and health regulations in title 30 Code of Federal Regulations.

Mine Act requires MSHA to conduct four complete inspections per year at each underground mine and two complete inspections at each surface mine. MSHA is also required to investigate complaints by miners. Spot inspections must be conducted at mines that have a large amount of methane on a five, ten, and fifteen-day interval. There are various other spot and special type inspections.

MSHA also conducts investigations. It investigates accidents; petitions for modification of a safety standard; for willful violations; and for discrimination against a minor who made a complaint. The Mine Act is very specific about enforcement actions that are permitted. There are a number of citations and orders that can be taken, such as a 104a citation, which is an S&S violation (significant and substantial hazard). If an operator fails to abate a 104a citation we can issue a 104b order. A 104d citation when an operator fails to comply with a standard. 107a is an imminent danger order. There's a 104e notice for a finding of a pattern of violation – it hasn't been used very often but we are taking a closer look at patterns of violation now. The 104g Order is issued to remove miners not adequately trained from the mine. All these citations and orders are assessed civil penalties. The maximum penalty is \$220,000 for flagrant violations.

One other aspect of the Mine Act is a provision that provides funds to the states, called the state grants program. The funds are provided to the states to conduct safety and health programs in coal and metal/non metal mines. In Utah the program is under the direction of Governor Huntsman and is administered by the Utah College of Applied Technology. MSHA can defer inspections to states. In states with inspection programs there is joint coordination with MSHA. Most states use the grants to fund safety and training programs. The money could be used for inspections. If the state wanted to inspect they would have to appropriate more money.

Mr. Miles Nelson reported that the College of Eastern Utah receives \$165,000 plus \$25,000 for the Labor Commission that is used mainly for training. The money from MSHA is limited to education and training.

Discussion of MSHA oversight and review of the mine rescue systems. It would help to keep an inventory of what the community has and what it can do regarding training exercises and duties and responsibilities in the case of an accident. Presently MSHA regulations require that each mine have two mine rescue teams either on the property, or make arrangements with another mine that has two mine rescue teams within two hours distance. Proposed regulations will change that to a one hour distance. The teams are required to be ready to assist to go underground when there is an emergency. They are required to be trained and meet certain physical standards. There are regulations that set standards for what the mine rescue station has to have. One change in the new regulations is to require mine rescue

teams to compete in two contests per year, and they must be familiar with the mines they provide mine rescue capability to, and they must train at those mines. In addition local planning teams should have continued interaction with MSHA for periodic training. Local law enforcement, department heads and elected officials should be trained and should visit the mine sites to familiarize themselves with the location.

Chairman Matheson stated that the mission of the Commission is to examine the State's role in mine safety and accident prevention and emergency response. Part of that will be to make sure the local officials on the ground have a solid understanding of what their expected roles are. The Chairman asked what MSHA's understanding of those points of contact that MSHA has with state officials and local officials that the Commission should know about that would be helpful in gaining a better understanding of how the whole system is supposed to work?

Mr. Bill Taylor responded to the Chairman's question as follows: There isn't a whole lot of contact with state and local officials until an emergency arises. He stated that on an annual basis MSHA interacts with the State in planning mine rescue contests. Each mine has an emergency response contact plan. Each mine plan is developed specifically for the mine location. They have agreements with municipalities and city and county governments based on the location they are in. When we look at working with local agencies we occasionally have complaints that come in from the mines, and we have worked with local and city and county governments regarding specific obligations that miners have.

Mr. Taylor further stated that the Commission has a unique opportunity to do some things the federal government cannot do. The Willowcreek mine discovered hydrocarbons that were not addressed by federal law. MSHA only regulates methane gas. But the nature of the properties of the hydrocarbons discovered at Willowcreek mine were different from methane and much more explosive. When we look at the federal agency that provides coal mine safety for our miners nationwide, congress usually will develop regulations that cover a broad spectrum. When we look at self contained self rescuers, when we look at breathable air, those are things that every mine needs to have nationwide, but when we addressed this issue regarding hydrocarbons it was the only issue that we couldn't take upon us because it's not something that is experienced in other mines in the United States. Although the disaster at Crandall Canyon Mine was a terribly tragic incident, any of the miners in this room will tell you they have experienced bounces and outbursts. We currently have a need to assist us in Utah mines to develop policy to protect the health and safety of miners. There are great things that this Commission could do to help protect the health and safety of coal miners in Utah. When we look at hydrocarbons we are not simply looking at a gas that is explosive, we are looking at an unknown entity that we do not know how it will affect the health and safety of miners when combined with coal dust and diesel emissions.

Current federal regulation requires that gases cannot exceed 2% methane. Other hydrocarbons could register on the indicator at 2.5%, but when the gas samples are sent in for testing methane is at acceptable levels. There are no laws to address other gases even if they are at a much more dangerous level. Congress will most likely not regulate this because these hydrocarbons are unique to Utah. The only protection the miners are going to have will come from this Commission.

Under the mine act there are provisions for ventilation plans that can be approved by the district manager. But it is virtually impossible for Congress or MSHA to pass law for specific areas – laws are general in nature.

5. Briefing on the MSHA Investigation into the Crandall Canyon Mine Incident

Mr. James Crawford addressed the Commission regarding the investigation by MSHA into the Crandall Canyon Mine Incident. See handout, “MSHA Appoints Team to Investigate Crandall Canyon Mine Accident,” and “Labor Secretary Elaine L. Chao announces independent review of MSHA’s actions at Utah’s Crandall Canyon Mine.”

Mr. Crawford reported that the investigative team started work on September 2. They are diligently working to develop a process and approach to find out what happened and to come up with recommendations to prevent a similar disaster in the future.

The approach MSHA takes in working with the states is to conduct a joint investigation with the state representative. It won’t be the job of this Commission to assist in the investigation, but MSHA will work with Sherrie Hayashi, a commissioner from the Utah Labor Commission, who has been appointed to work with us on this investigation. MSHA has various individuals from across the country assigned to the investigative team including Richard Gates, MSHA district manager who is the chief investigator for the team; Timothy Watkins, assistant district manager in Kentucky; Gary Smith, a supervisor based in Pennsylvania; Joseph O’Donnell from the office in Alabama; and Joseph Zelanko, Michael Gauna and Thomas Morley of MSHA’s Office of Technical Support. MSHA will also include other experts with pertinent technical backgrounds as necessary, such as for seismology and rock mechanics.

Regarding how this investigation will proceed, normally there is an underground portion of the investigation; I believe the team will be working on that in the next few days. There are some limitations in this case as to where we will be able to investigate but they will do the best that they can to make their assessment in terms of what needs to be done next. Another part of the process is to develop a list of miners and experts to interview about their first hand knowledge of what happened, and also their expertise of what they think might happen. We’ve had several meetings with the families. We have decided to conduct interviews rather than hearings because it is our experience that witnesses are more comfortable relating their experiences in a private interview.

MSHA will give periodic updates on the investigation to keep the Commission, the families, and the public up to date on how the investigation is proceeding. Note that during the investigation we will not be able to share specific facts, but once information is compiled it will be shared.

The Chairman noted that the Commission has a different mission than the MSHA investigation team, but it has an interest in obtaining all information that may be useful to the work. Access is needed to the information that the investigation develops - not just periodic updates. The Chairman asked if it could expect to have access to information that comes from the MSHA investigation?

Mr. Crawford responded that generally in MSHA investigations information is not released until it finalizes the reports and is able to come to its own conclusions. Mr. Crawford stated that MSHA will evaluate the information as they obtain it, and what information can be revealed that will not compromise or interfere with the investigative process will be communicated, and a lot of information that has been made public already and certainly can be made available to the Commission, for example the roof control documents, inspection history and notes from those prior inspections. These types of documents are available and to the extent that we can we will make other documents available. Mr. Crawford asked that the Commission be sensitive to MSHA’s need to protect the integrity of the investigation.

Chairman Matheson noted that the State representative will have access to investigative information and asked why the Commission couldn’t have equal access to the same information.

Mr. Crawford replied that he can't speak on behalf of Governor Huntsman, but from the MSHA investigative point of view, they can share information with the state representative, but the investigation needs to maintain some protection of the process until we finish with the investigation. When information is released early there can be preliminary conclusions that are wrong.

Rep. Kay McIff stated that the Commission members are capable of maintaining confidentiality.

Mr. Crawford said MSHA is not trying to obstruct the purpose of the Commission; they just want to maintain the accuracy of the investigation.

Mr. Jake Garn suggested that as a compromise the investigative team share its conclusions rather than the details of the investigative information.

Mr. Crawford noted that the Commission's work is important and the MSHA investigative team does not want to obstruct that work, and is willing to try to work it out without compromising the integrity of our investigation.

Lunch Break

6. Mine Emergency Response Procedures

Chairman Matheson introduced Emery County Sheriff Lamar Guymon and Department of Public Safety Commissioner, Scott Duncan. The Chairman noted that they played a primary role and gave an impressive performance.

Sheriff Guymon reported as follows: He said he gained experience in handling emergency situations from the Wilburg Mine tragedy. The sheriff's office was able to access homeland security funds and purchased emergency equipment. They've taken criticism on some of the equipment that was purchased, such as the command center – it was expensive and there was the possibility that it would never be used. They were able to test all the equipment purchased, and ended up needing all of it.

They have also formed emergency response teams in conjunction with Carbon County. They worked together very well in the past and that helped them know who can do what. They have conjoining equipment, for example Carbon County brought their command center over and set it up for the State's staff training of getting our people together. The officers haven't experienced these kinds of things before but they've had training and were very willing to take orders. In Emery County the Sheriff's office takes care of the ambulance and all the police with the exception of the Highway Patrol and there is one person in charge so that in giving orders the Sheriff does not have to worry about stepping on anyone's toes. The MSHA people were good to work with, and they were open to everything we asked them to do. The state supplied people when they were needed. Carbon County and Price City also offered to help.

Commissioner Scott Duncan said that the mission of the Department of Public Safety is to provide a safe and secure environment for all people in Utah, and we try to do that without stepping on anyone's toes. Even though our state is broken down into cities and counties we still try to do what's best for the people that live in the state. We try to make sure we have good relationships built up with local agencies before something like this happens. Our role is to fill in the gaps – if a city or county needs something they call to see if we can help. In this case we had some resources to share such as a

helicopter and pilots. We did what we could to help – we brought in equipment, and took lunch to rescue workers.

We weren't sure what was needed, and we tried to help without stepping on anyone's toes. Our role was to support the governor. By law we have to protect him. We worked closely with our allied agency, the Department of Natural Resources, and others. It was a real training exercise.

Chairman Matheson asked if DPS worked with the rescue workers in training exercises? The Commissioner reported that DPS has no contact with rescue teams – but they do have staff that are on mine rescue teams that are EMT's, firemen, coal mine workers, etc. If it were necessary they could put a team together to go in a mine, but don't see that as necessary. They have not participated in rescue exercises, but have been notified of accidents.

Mr. David Litvin asked the Sheriff and the Commissioner for their thoughts on handling the press onsite, and did they have any say or decision at all concerning the decision to take the press into the mine?

Sheriff Guymon responded as follows: the press can make or break you. We took charge of the situation in setting up guidelines, and we were as pleasant as possible. The press was exceptional. We set up boundaries and made sure the press stayed within the boundaries. We asked them, we did not order them, and the press cooperated. If the reporters came to us with questions about going in the mine we directed them first to the company and then to MSHA.

Several Commission members complimented Sheriff Guymon on the way he and his agency handled security at the mine.

Mr. Dennis O'Dell said that the language in the new Miner's Act provides for local coordination, with the intent to make sure that local agencies having emergency responsibilities would have the opportunity to periodically go to different mine sites to physically orient themselves with the location and mine facilities. Mr. O'Dell asked: Is that being done? Do you have a copy of the new Miner Act, and has anyone from MSHA made contact with you?

Sheriff Guymon said that he has heard about the Miner's Act. As far as local contacts, the mines are very good to contact us, and I think we are first on their list because we do the dispatching, we do the ambulance response, etc. In this case the University of Utah called us, they always call when there is something of importance from their point of view. The mine also called us. Sheriff Guymon agreed that MSHA should contact local agencies to coordinate emergency procedures with mine sites.

Mr. O'Dell suggested that this is a good recommendation for the Commission that the state can actually play a part in making sure that coordination is carried out between mine operators and local agencies.

Chairman Matheson asked if there were some lessons learned regarding the need for communication or the need for additional resources?

Commissioner Duncan said that at the state level we should take our cue from local government to call and say what is needed. This situation was different because Huntsman was involved and we had to be there to protect him.

Sheriff Guyman said that one problem was the lack of cell phone service. He said; we have a tech who went to the top of a mountain and set up a repeater that also served the mine, served the drilling company, served us. We used Homeland Security money to purchase satellite links, and the news media was able to tie in to our system and use that, but cell phones were still a problem. Channel Two News gave information on how to access an emergency Verizon tower at no cost – it was donated to us. It increased service to everyone there. We didn't have a portable generator. We had to purchase one. We used our squad van that we were sure we'd never use, and we used it for mine transportation.

7. The Role and Responsibilities in Regards to Mining of the Utah Division of Oil, Gas and Mining

Mr. John Baza, Director reported to the Commission regarding the responsibilities of the Utah Division of Oil, Gas & Mining. See handout, "Utah Division of Oil, Gas and Mining, Its role and responsibilities relative to mining."

Mr. Baza reported that the Division is one of seven divisions within the Department of Natural Resources. Its duties related to coal mining in Utah is principally the surface impact of surface and underground mines, and how we attempt to mitigate that and ensure reclamation.

Coal mine reclamation is one of our four programs. We also have an Oil and Gas Program; a Minerals Mine Program which are non-coal activities; and then we have an Abandoned Mine Reclamation Program. Our Coal Program is established both under Federal law and under Utah law. The Federal law that applies is called the Surface Mining Control and Reclamation Act (SMCRA). It was passed in August of 1977 and is thirty years old this month. There are also some federal regulations that tie to SMCRA in the 30 CFR.

The state law that applies is called the Utah Coal Mine Reclamation Act and it is under section 40-10 of the Utah Code with the rules that apply under Utah Administrative Code R645. Again, all of those laws and rules are designed toward surface impact. The State's federal relationship is that the State obtained permanent program primacy from the Department of the Interior, the Office of Surface Mining in 1981. The State has a cooperative agreement that allows Utah to permit coal mining reclamation operations on federal lands. The Division has the responsibility to do permitting. Permitting addresses hydrological impacts, reclamation requirements, remediation of subsidence effects, assessment of soils, vegetative and other surface impacts. The Division also bonds for reclamation responsibilities. The Division also has an inspection and compliance program, but that is for the surface only. The Division does not have underground expertise or inspectors to go in underground coal mines, except as it would be necessary in determining surface impacts. We interact with a number of land management agencies.

The Division of Oil, Gas and Mining has not been involved with mine worker safety issues. We only have underground mine plans included as part of our permit as they are approved by the land management agencies. For example, when we issue a coal permit for a new mine on federal lands there will be a mine plan included that is approved by the BLM and it becomes part of our permit approval that we send to OSM for consent and concurrence by the Secretary of the Interior.

We have always viewed worker safety and mine safety activities to be conducted by MSHA. We don't have regular communication with MSHA. We occasionally have meetings with MSHA inspectors to address issues that cross the boundaries of our responsibilities.

Our standard operating procedure when an accident occurs is to stay out of the way. We offer help and support, but otherwise we stay out of the way. One of the reasons we were involved with the Crandall Canyon Mine accident is that as far as we know we are the only agency in state government that has regular communication with coal mining industry in Utah.

During the emergency OGM knew that there would be surface impacts, and directed our staff to stand down to let them drill and build roads so that emergency procedures could be carried out without interference from us. After the fact, we are looking at what needs to be done to mitigate surface impacts.

There are other agencies of state government that have information available. The Utah Geological Survey produces an annual coal report. This is where you can find statistics about how much the mines are producing, how that production relates to other states, a description of the mines, geologic formations, and the types of coal that are being mined in those mines.

In support of this Commission's effort, OGM has researched safety information that is available publicly. What we found is that on the MSHA website we feel there is a great gap there. There's lots of information there on safety related to individual mines, but to compare that between mines requires a lot of data grabbing and data analysis. There's no one place on the website, or on any website, that compares safety statistics mine to mine within Utah, or state to state. You basically have to go out and compile that information yourself. We are working with the Labor Commission on this and we will continue in this effort to try to provide you with the information you need on this Commission.

Mr. Kay McIff asked if practices can be identified mine to mine.

Mr. Baza replied that we know what type of mining they do, but we don't know about their safety procedures and whether or not their staff is trained in safety procedures.

Rep. Kay McIff asked if OGM knows what kind of communication devices are employed within the mine.

Mr. Baza responded that OGM has not found any information on communication devices at this time but that perhaps the Labor Commission has some information. There seems to be a gap of information.

Mr. Dennis O'Dell asked if we needed to add the Department of Environmental Quality to interagency coordination, and Mr. Baza agreed that we probably should.

Mr. Dennis O'Dell commented that there have been a number of questions about miner communication. He stated that The Miner's Act sets forth some new requirements, and as we continue our meetings we'll have pertinent testimony about what is currently happening in the mines and what is underway to be developed for this issue.

8. Discussion by Commission Members of Future Meetings and Public Hearings

The Commission discussed planning and logistics for public hearings to be conducted in Price and Huntington. It was decided that the Commission would hold a public hearing in Huntington on Tuesday, September 25, and a hearing in Price on Tuesday, October 2.

The Commission has nominations for the Technical Advisory Group, and welcomes participation and suggestions.

Mr. John Baza introduced Oil, Gas and Mining staff tasked to provide support to the Commission.

Mr. Dennis O'Dell commented that the commission has an obligation to the Governor and the miners. This group is not going to be part of the MSHA investigation, but he is pleased with Chairman Matheson's stance on the issue. Without the information for the MSHA investigative team the Commission would not be able to perform its work. The reality is we don't have to be involved in the MSHA investigation. The issue should not be about availability of information, but about how the information is handled.

9. Other Commission Business

Steve Alder gave a briefing on the application of the Open and Public Meetings Act. See handout. He said that the Commission is acting like an advisory body to the Governor's Office and as such was probably not subject to the requirements of the Act, but that it had been the initial decision to abide by the Act's requirements out of an abundance of caution and in order to maximize opportunity for public participation. Mr. Alder then presented a resolution authorizing future electronic meetings and ratifying all business conducted by electronic means. On motion and vote the Resolution was unanimous adopted.

10. Adjournment